

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**PLAINTIFFS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND
TO DEFENDANTS' MOTION FOR ENTRY OF A SCHEDULING ORDER**

COME NOW Plaintiffs who have opted out of the Master Settlement Agreement and those who have cases remaining in the MDL ("Plaintiffs"), and respectfully request an extension of time to file their Response to Defendants' Motion for Entry of a Scheduling Order (Doc. #385-1). Defendants filed a Motion to Lift PTO #62 for Specific Consideration of Defendants' Motion for Entry of a Scheduling Order (Doc # 385) on September 13, 2010. In light of Judge Goodwin's recent issuance of PTO #67 extending the stay issued by PTO #62, Defendants' Motion to Lift the Stay imposed by PTO #62, is likely rendered moot. In the event it is not, Plaintiffs request an extension of time to respond.

Defendants have agreed to a one week extension for Plaintiffs' Response to Defendants' Motion for Entry of a Scheduling Order. (DOC #385-1).

35 cases remain in this action, many with differing counsel, distinguishable claims and roles in the litigation, and conflicting schedules. Plaintiffs' counsel requires additional time to convene and coordinate the remaining cases. Moreover, Plaintiffs wish to organize and proffer their own scheduling order for the Court's consideration at the November 17, 2010 hearing set by PTO #67. It is expected that Defendants will offer a similar scheduling order as proposed in

their Motion for Entry of a Scheduling Order (Doc #385-1). In the event the Court shall consider such a scheduling order, Plaintiffs oppose and would request opportunity to argue such.

Dated: October 22, 2010.

Respectfully submitted,

On Behalf of the Plaintiffs' Steering Committee

s/Fred Thompson, III Esq. _____

Fred Thompson, III, Esq.

Motley Rice, LLC

28 Bridgeside Blvd.

Mt. Pleasant, SC 29464

Co- Lead Counsel

Carl N. Frankovitch, Esq.

Frankovitch, Anetakis, Colantonio & Simon

337 Penco Road

Weirton, WV 26062

Co- Lead Counsel

Harry F. Bell, Jr., Esq.

Bell Law Firm, PLLC

P. O. Box 1723

Charleston, WV 25326

Co-Lead and Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2010, I electronically filed the foregoing “Plaintiffs’ Unopposed Motion for an Extension of Time to Respond to Defendants’ Motion for Entry of a Scheduling Order” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Fred Thompson, III Esq.
Fred Thompson, III, Esq.
Motley Rice, LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
Co- Lead Counsel